



DISTRICT OF COLUMBIA DEPARTMENT OF GENERAL SERVICES

REQUEST FOR PROPOSALS

**DESIGN-BUILD SERVICES
SAINT ELIZABETHS EAST GATEWAY PAVILION**

May 29, 2012

Proposal Due Date: June 20, 2012 by 5:00 p.m. EDT

Preproposal Conference: June 6, 2012 at 9:30 a.m. EDT

to be held at:

**Frank D. Reeves Center
2nd Floor Community Room
2000 14th Street, NW
Washington, DC 20009**

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Solicitation Number: DCAM-12-CS-0153

Executive Summary

The District of Columbia Department of General Services (“Department” or “DGS”) on behalf of the Deputy Mayor for Planning and Economic Development (“DMPED”) is issuing this Request for Proposals (“RFP”) to engage a design-builder (the “Design-Builder”) to complete the design and construction of the new Saint Elizabeth Gateway Pavilion (the “Pavilion”) on the Eastern portion of the Saint Elizabeths campus. The Pavilion will be located along Martin Luther King Jr. Avenue at the intersection of Redwood Street in the Southeast quadrant of Washington, DC.

A.1 Project Background

For the past two years, the District has been diligently developing a physical redevelopment plan and complimentary economic development strategy to guide the revitalization of the East Campus of Saint Elizabeths and surrounding communities. While the planned consolidation of the Department of Homeland Security and eventual location of 14,000 -17,000 employees on the West Campus – directly across MLK Jr. Ave – was the initial impetus for this planning, the redevelopment of the East Campus has become a critical project in realizing the District’s goals of fiscal stability, job creation and economic competitiveness. Success is most critical here as the communities surrounding Saint Elizabeths are among the most economically distressed in the District. Redevelopment offers the opportunity to provide amenities for local communities and the forthcoming future 4,400 Coast Guard employees – set to arrive on the West Campus in May 2013 – while creating a new center for innovation which will serve to further diversify the District’s economy. There are three distinct economic development goals for the Saint Elizabeths redevelopment:

- Build an environment (both programmatic and physical) that encourages entrepreneurial businesses in dynamic and innovative sectors to grow in DC, and allows Federal government agencies to partner with the private sector in support of innovation and commercialization.
- Serve as the centerpiece for District-wide efforts to diversify the local economy and enable DC-based businesses to reduce reliance on federal procurement contracts and increase their competitiveness in private sector global markets.
- Promote DC’s existing social and economic assets, and build capacity in under-served communities to ensure District residents and businesses participate in economic opportunities at St. Elizabeths.

The redevelopment effort is now transitioning into an implementation phase, and the District is engaged in the process of soliciting Development Partners for the redevelopment, as well as working closely with partner agencies to grant zoning to the site. The above actions will draw significant attention to the opportunity. However, as the campus has not been accessible to the

public in its more than a century of existence, the District would also like to engage in an effort to open the campus to the local community and City as a whole.

A.1A Project Vision

The District seeks to take a bold first step in realizing its plans for the campus by constructing an innovative and aesthetically unique structure to serve interim uses before the redevelopment of the site is complete and has these additional goals:

- To provide an iconic structure to house food amenities (i.e. lunchtime vendors) to serve Coast Guard employees, community members, and other local employees in the years before the first phase of East Campus construction is completed (approx. 2015).
- To provide a flexible space to host other activities such as farmer's markets, community, and cultural events.
- To activate the East Campus and begin to brand it as an iconic, unique and active asset and destination to the local community, East of the River, and greater DC area.

The image set forth below shows the proposed site of the Pavilion on the East Campus outlined in red:



The Pavilion will be located at the corner of Redwood and Sycamore Street, and will have visual prominence along MLK Jr. Ave with the intention of drawing heavy pedestrian traffic from the West Campus, the Congress Heights neighborhood, and the adjacent Congress Heights Metro station. The goal for this project is to develop a Pavilion that will be a destination for casual dining as well as a space and landscape to serve as a venue that can host farmer's markets, community, art and cultural events, weekend youth workshops, and other weekend and afterhours events. Visually and structurally, the Pavilion should be distinct and unique from other structures in the City – such as Eastern Market – in that it will feature both enclosed and outdoor programming that has the necessary supporting facilities (i.e. restrooms, kitchen spaces, etc.) to support the desired uses and foot traffic. Offerors should note that the budget for this project is limited and designs should consider innovative materials and options for scalability. Design should also consider and where applicable, conform to the Design Guidelines set out in the Saint Elizabeths Master Plan, available at <http://www.stelizabethseast.com/document-center/>.

Infrastructure on the East Campus is additionally limited and no utility connections are available without substantial cost. Electrical service can be provided via temporary connections to overhead lines. Water pressure and hook-ups are limited, as are sewer and storm water collection. Designs should consider solutions with limited infrastructure requirements and incorporate innovative sustainability and green building solutions drawn from best practices.

From a programmatic perspective, the Pavilion should be designed to support the following activities:

- **Food Service** – The Pavilion should be able to support a number of small vendors/food stalls. The food stalls should be able to provide casual dining for the public and the workers in the new Coast Guard Headquarters.
- **Food Trucks** – The Pavilion and its environs should be designed in such a way so that it can readily support patrons of food trucks and other mobile vendors to be situated outdoors.
- **Seating** – The Pavilion should support shared seating for approximately 150-300 persons at one time. All of the seating need not be in conditioned space; however, shade and protection from inclement weather should be considered.
- **Multi-Purpose Space** – The Pavilion and its environs should be designed in such a manner so it can accommodate farmer's markets, community events and other weekend or afterhours type activities.
- **Support Spaces** – The Pavilion should incorporate restroom facilities and other necessary support spaces such as shared or individual vendor storage space. Any number of restroom solutions will be considered given infrastructure limitations.

Aesthetically, the Pavilion should establish a sense of place and enhance the identity and character of the East Campus. If done well, the Pavilion could set a precedent for future development on the East Campus. Because of the existing buildings' unique and historic appearance, the design should consider and complement its setting – the entire campus was designated a National Historic Landmark in 1990 and a Local Historic district in 2005. All designs will have to undergo a historic approval process.

A.2 Selection Process

The District intends to deliver the Pavilion in time for the opening of the Coast Guard Headquarters facility and thus the project must be designed, constructed and commissioned no later than May 15, 2013. Given these schedule constraints, DGS intends to deliver the project through a design/build contracting method. The design/builder will be selected through a two-phase procurement that places emphasis on the ability of the design team to transform the proposed site and create a sense of place as well as the ability of the entire team to deliver the project on-time and on-budget.

The first phase of this procurement is a qualifications based review that will result in the short-listing of three (3) teams that will be invited to participate in a design competition. The Phase 1 proposal should include: (i) a summary of the design team's experience and references; (ii) a portfolio (with before and after pictures) showing at least three (3) and no more than five (5) projects that best demonstrate the ability of the design team to accomplish the objectives outlined above; (iii) a list of the design team's key personnel and resumes for each; (iv) a summary of the builder's experiences and references; (v) a list of the builder's key personnel and resumes for each; (vi) a management plan that describes the process that the Design-Builder will use to manage the project including communication with the client and identification of a single point of contact; (vii) a Certified Business Enterprise utilization plan; and (viii) a District Workforce utilization plan. The Phase 1 submissions will be reviewed by the Department in accordance with **Part D** of this RFP. Three (3) teams will be selected from the Offerors to participate in Phase 2.

During the second phase, the short-listed Offerors shall prepare a preliminary design concept for the Pavilion and submit the associated cost to complete the Project. The short-listed Offerors will be given approximately one month to complete this effort. While the first phase is underway, DMPED will be soliciting views and input from affected stakeholders and this input, in addition to a better defined program, will be provided to each of the short-listed firms at the beginning of Phase 2. Each of the short-listed Offerors will also be given the opportunity to meet with DGS and DMPED representatives approximately midway through Phase 2 in order to discuss the project and obtain feedback. The Phase 2 submissions should include:

- A site plan for the project (certain base maps and utility information are available);
- Renderings of the proposed design;
- A proposed construction budget;
- A CBE plan that identifies the specific subcontractors who will execute the work and which demonstrates at least 50% CBE utilization; and

- A proposed Budget GMP for the project.

From the proposals submitted during the second phase, the Department will select the proposal that is most advantageous. In making this evaluation, the Department will consider both the quality of the proposed design as well as the price quoted by the Offerors.

A.3 Project Delivery Method

The Department intends to implement the Project through a design-build approach. The Department intends to have completed the procurement process and issued a notice to proceed with preconstruction/design (the “Initial NTP”) by September 4, 2012. In general, it is contemplated that the Project will be divided into two phases: (i) the Design & Preconstruction Phase; and (ii) the Construction Phase.

The Design & Preconstruction Phase will begin with the Initial NTP. During the Design & Pre-Construction Phase, the Design-Builder will also be required to work with the Department to develop a schedule and Guaranteed Maximum Price (“GMP”) based on the available budget for the Project (currently estimated at no more than \$2 million). Once a GMP is established, the Design-Builder will be required to progress the design in a manner consistent with the Department’s budget, *i.e.*, design-to-budget.

In addition to the design services, the Department expects that the builder component of the Design-Builder’s team will actively participate in the development of the design and provide (i) cost estimates, (ii) schedule analysis, (iii) identify long-lead purchasing items, and (iv) undertake constructability reviews. During the Construction Phase, the Design-Builder shall implement the approved design for the Project in a manner consistent with the Department’s budget for the Project.

The Design-Builder will have approximately 8 weeks to advance the design and develop an agreed upon guaranteed maximum price (“GMP”). It is anticipated that the GMP will be based on a set of design development documents. The GMP will include:

- (i) a set of drawings and specifications that describe the Work;
- (ii) a GMP;
- (iii) a schedule for the remaining portions of the work;
- (iv) a CBE utilization plan; and
- (v) a workforce utilization plan.

The process by which the GMP will be formed is more fully described in the Form of Contract which will be issued by addendum. The Department has established the following milestone dates for the preconstruction phase:

- Week of September 4th – The Department will issue a NTP and letter contract to the selected firm during the week of September 4th. The Design-Builder will begin advancing the design.

- September 4th to October 30th – The Design-Builder will have approximately 8 weeks to advance the design and develop a GMP proposal. This proposal will be based on a set of design-development documents. The design-development documents will need to meet the Department's programmatic desires and is consistent with the budget available for the Project.
- October 30th to November 9th – Finalize scope and GMP with value engineering as necessary.
- November 16th – The Department has established November 16th as the goal for completing negotiations with the Design-Builder over the Form of Contract and submitting the same to the Council for approval. The contract will include the agreed upon GMP. The Department expects that the contract will be fully approved by the Council during the week of December 1st.
- Week of December 1st – The Department has established the week of December 1st as the milestone for releasing construction.

A.4 Compensation

As is more fully described in the Form of Contract, this will be a cost plus a fixed fee with a guaranteed maximum price type contract. Offerors will be required to submit with their Phase 2 proposals the following: (i) a Design Fee; (ii) a Preconstruction Fee; and (iii) a Design-Build Fee, which should cover the cost of the Design-Builder's overhead, profit and general conditions. The Preconstruction Fee and the Design-Build Fee will be fixed fees. Design costs shall be reimbursable subject to a cap equal to the Design Fee bid by the Offeror. All of these price components should be submitted in an Offer Letter which will be provided during Phase 2 of the procurement.

The Design-Builder shall not be entitled to any additional fees unless (i) the Department makes additions to the scope provided for in the Contract which cause the GMP to increase by more than ten percent (10%); or (ii) the Department makes additions to the scope provided for in the Contract which will require the Design-Builder's services to extend beyond May 15, 2013. Please note, however, that punchlist activities may extend beyond the Substantial Completion Date and that such activities will not entitle the Design-Builder to additional fees or general conditions.

A.5 Form of Contract

The Form of Contract will be issued during Phase 2 of this procurement. Short-listed Offerors should carefully review the Form of Contract when submitting their Phase 2 proposal. To the extent there are any inconsistencies between this RFP and the Form of Contract, the Form of Contract shall prevail. Offerors are further advised that they are required to submit their proposal premised upon entering into a contract that is substantially similar to the Form of Contract and

that any proposed changes to the Form of Contract must be clearly identified and described in their proposal. A proposal that fails to specifically identify and describe the requested changes shall be deemed non-responsive.

The Department intends to negotiate and finalize the Contract with the selected Design-Builder, and submit that contract to the Council for the District of Columbia for its review by November 16th. Preconstruction and design services will be released by letter contract issued in early September.

A.6 Incentives for On-time; On-Budget Completion & Meeting Workforce Goals

In the event the Project is both (i) substantially complete no later than May 15, 2013 and (ii) delivered for less than the GMP established in the Contract, the Design-Builder's Fee will be increased by Ten Percent (10%). If these goals are not met, the Design-Builder's Fee will be reduced by Ten Percent (10%). In addition, if the Design-Builder meets the Workforce Utilization Requirement discussed in **Section A.7** below, the Design Builder's Fee will be increased by Five Percent (5%). In determining whether these goals have been met, the decision will be made irrespective of fault and regardless of whether the cause for failing to achieve these goals was within the Design-Builder's control.

A.7 Economic Inclusion

The Department requires that Local, Small and Disadvantaged Business Enterprises ("LSDBEs") participate in this project to the greatest extent possible and desires that such businesses perform at least fifty percent (50%) of the work under this procurement. Of this amount, at least thirty five percent (35%) must be awarded to entities that are certified as either Small or Disadvantaged Business Enterprises by the District of Columbia Local Business Opportunity Commission, and twenty percent (20%) to entities that are certified as Disadvantaged Business Enterprises. The Department will also require that the selected design-builder and all of its subconsultants, subcontractors, and suppliers, enter into a First Source Employment Agreement with the Department of Employment Services and hire fifty-one percent (51%) District residents for all new jobs created on the project. Please see **Part C** of this RFP for additional information.

In addition to LSDBE participation as described above, the Department requires that District residents participate in the Project to the greatest extent possible. Prior to the Design-Builder obtaining trade bids for the work, the Department will establish a minimum requirement for the percentage of labor hours worked by District residents on the project (such requirement, the "Workforce Utilization Requirement"). Offerors shall submit with their proposals a Workforce Utilization Plan outlining how they intend to increase participation by DC residents in the performance of the work on this Project.

A.8 Selection Criteria

Proposals will be evaluated in accordance with **Part D** of this RFP. The following evaluation criteria will be used:

For Phase 1 –

- Builder's Experience & References (15 points)
- Builder's Key Personnel (15 points)
- Architect's Experience & References (15 points)
- Portfolio (15 points)
- Architect's Key Personnel (10 points)
- Design Approach and Project Management Plan (20 points)
- LSDBE Compliance/Utilization (5points)
- Workforce Utilization (5 points)

For Phase 2 –

- Design Quality in terms of aesthetics and establishing a sense of place (30 points)
- Design Quality in terms of functionality and the potential uses of the site (30 points)
- Principles of Low Impact Design (15 points)
- Price Proposal (25 points)

A.9 Procurement Schedule

The schedule for this procurement is as follows:

- | | |
|---|----------------------------------|
| • Issue RFP | - May 29, 2012 |
| • Pre-proposal Conference | - June 6, 2012 at 9:30 am |
| • Last Day for Questions/Clarifications | - June 12, 2012 |
| • Phase 1 Proposals Due | - June 20, 2012 at 5:00 pm |
| • Notice of Short List | - July 2, 2012 |
| • Phase 2 Design Competition | - July 2, 2012 to August 3, 2012 |
| • Design Presentations | - week of August 6, 2012 |
| • Notice of Award | - August 27, 2012 |

A.10 Project Schedule

- | | |
|--------------------------------|-----------------------------------|
| • NTP | - week of September 4, 2012 |
| • Preconstruction & Design | - September 4 to October 30, 2012 |
| • GMP Proposal Due | - October 30, 2012 |
| • Finalize GMP | - November 9, 2012 |
| • Council approval of contract | - week of December 1, 2012 |
| • Begin Construction | - week of December 1, 2012 |
| • Substantial Completion | - May 15, 2013 |

A.11 Attachments

Attachment A

Attachment B

Attachment C

- Disclosure Statement

- Tax Affidavit

- Bid Guaranty Certification

SECTION B SCOPE OF WORK

B.1 Scope of Work

The Design-Builder will be required to design and construct the Project in a manner consistent with the Department's goals and objectives, including, but not limited to its programmatic, schedule and budgetary requirements. Without limiting the generality of the foregoing, the selected design-builder shall be required to provide all of the design services, labor, and materials necessary to accomplish these tasks. In general, the Design-Builder's scope of work will be divided into two phases, (i) a Design & Preconstruction Phase; and (ii) a Construction Phase. Each of these phases is described below:

B.2 Design & Preconstruction Phase

The Design & Preconstruction Phase will run from NTP through establishment of the GMP and execution of the Contract, approximately September 4, 2012 through early December 2012. During this phase, the Design-Builder will be required to (i) advance, in consultation with the Department, the design to a set of design development documents; (ii) obtain bids from trade subcontractors; (iii) engage in any value engineering and scoping exercises necessary to return the cost of the work to the Project Budget; (iv) engage in preconstruction activities, including identifying any long-lead items; and (v) agree upon a GMP for the Project.

Note that the Department will award a letter contract for preconstruction and design services concurrently with the notice of award.

B.2.1 Design Services

B.2.1.1 Programming & Concept Design. It is contemplated that the design submission will contain a level of detail similar to a concept design, and thus, the concept design phase will be abbreviated. During this phase, Design-Builder shall meet with representative of the Department as well as other stakeholders to finalize their concept design. The concept design shall be submitted for review and approval by the Department, along with: (i) a list of long-lead purchasing times that would need to be purchased prior to negotiation and approval of a GMP if the Project is to remain on schedule; (ii) a list of key permitting, zoning and other approvals that must be obtained; (iii) a review of any constructability or other issues that could adversely affect the Project's schedule or budget; and (iv) a list of proposed needed infrastructure. It is envisioned that the concept design phase will be completed within 2 weeks of the notice of award.

B.2.1.2 Schematic Design. Based on the approved concept design, the Design-Builder shall cause the design element of its team to develop a schematic design for the Pavilion. The schematic design shall be consistent with the approved concept design. The schematic design shall also be submitted to the Department for its review and approval and shall be submitted along with: (i) value engineering ideas, if necessary, to return the Project to budget; (ii) a list of long-lead purchasing times that would need to be purchased prior to negotiation and approval of

the GMP if the Project is to remain on schedule; (iii) key permitting, zoning and other approvals that must be obtained; and (iv) a review of any constructability or other issues that could adversely affect the Project's schedule or budget. At the conclusion of the Schematic Design Phase, the Department will establish a final budget for the Project.

B.2.1.2.1 Services. During this phase, the Design-Builder shall be required to develop the schematic design. The schematic design shall contain such detail as is typically required for schematic design under the standard AIA contract.

B.2.1.2.2 Deliverables. During this phase, the Design-Builder will be required to prepare and submit to the Department the following deliverables. All such deliverables shall be subject to review and approval by the Department and the Design-Builder's pricing should assume that revisions may be required to these documents to address concerns raised by the Department and/or other project stakeholders.

- a. Digital floor plans and site plan
- b. Preliminary building elevations and sections
- c. Plan-to-Program Comparison
- d. Design Narrative
- e. Updated Project Budget and Schedule

B.2.1.3 Design Development. Based on the approved schematic design and the budget established by the Department at the end of the Schematic Design Phase, the Design-Builder shall cause the design element of its team to prepare a set of design development documents. The Design-Builder shall ensure that the schematic design is progressed in a manner consistent with the Department's budget for the Project, *i.e.*, designed to budget. The design development documents shall serve as the basis for the GMP. The design development documents shall contain at least the level of detail as contemplated in the standard AIA agreement. With regard to the building's systems and finishes, however, a greater level of detail shall be provided. With regard to the finishes, the design development documents shall provide a finish schedule and sketches showing key interior and exterior views.

B.2.1.3.1 Services. During this phase, the Design-Builder will be required to progress the schematic design into a full set of design development documents. The specific services required during this phase are:

- a. Select and draft outline specifications for materials, systems, equipment.
- b. Develop detailed and dimensioned plans, wall sections, building section, and schedules.
- c. Complete code compliance analysis and drawing.
- d. Conduct follow up meetings with agencies as required.
- e. Coordinate furniture, fixtures, and equipment requirements ("FFE").
- f. Present the design to CFA, Office of Planning, and other regulatory agencies as required.

B.2.1.3.2 Deliverables. The following deliverables are required during this phase.

- a. 35% (minimum progress) documents for all technical disciplines, drawings and specs
- b. 50% design development progress printing.
- c. A reconciliation report that addresses issues raised by the Builder as a result of the 50% progress printing.
- d. CFA submission materials; meetings and presentations to CFA as required
- e. HP submission materials; meetings and presentations to HP as required
- f. Planning materials; meetings and presentations to Community members
- g. Updated Project Budget and Schedule

B.2.3 GMP Formation. Based on any value engineering, scope modifications and approved changes in the Project Budget, the Design-Builder shall prepare and submit to the Department a GMP proposal. The GMP proposal shall represent the Design-Builder's offer to Fully Complete the Project. The GMP proposal shall include: (i) a line item construction budget; (ii) a detailed CPM schedule; (iii) a listing of the drawings upon which the GMP is based; (iv) an LSDBE utilization plan; and (v) a workforce utilization plan. In the event that the Department and the Design-Builder are unable to agree upon a GMP, the Design-Builder shall only be entitled to receive 75% of the design fee and 50% of the pre-construction fee.

B.2.4Preconstruction

The Design-Builder shall provide such preconstruction services as are necessary to properly advance the Project. These services shall include, but are not necessarily limited to, scheduling, estimating, shop-drawings, and the ordering of long-lead materials. Within ten (10) days after award, the Design-Builder shall submit an initial schedule analysis that: (i) contains a preliminary schedule; (ii) identifies long-lead items that could adversely impact the project's schedule; and (iii) contains written recommendations addressing how such long lead items should be handled.

B.2.4.1 Deliverables. The following deliverables are required during the Design & Preconstruction Phase. In the event that the Design-Builder fails to provide any deliverable listed below, the Design-Builder shall forfeit its pre-construction fee.

- a. Preliminary Schedule
- b. List of Long Lead Items and Recommendations for purchase.
- c. A summary of the process by which the Design-Builder intends purchase the key trade subcontracts as well as a list of subcontractors from which the Design-Builder intends to solicit bids.
- d. Complete set of design development drawings.
- e. Trade bid tabulations.
- f. Report outlining value engineering strategies.

- g. GMP Proposal.

B.3 Construction Phase

During the Construction Phase, the Design-Builder shall be required to cause the construction to be completed in a manner consistent with the design documents approved by the Department and shall provide all labor, materials and equipment necessary to fully construct the Project in accordance with the drawings, specifications, schedule and budget that are issued for the Project not later than the Substantial Completion Date.

B.3.1 Management Services.

In order to properly manage the Project, the Design-Builder shall be required to undertake the following tasks:

- Participate and assist in Project/Planning meetings.
- Provide and maintain a fully equipped office on-site to perform all required Contractor duties.
- Maintain full-time, on-site construction supervision and provide daily inspections, quality control, monitoring, coordination of various trades, record drawings, and daily work log.
- Conduct weekly progress meetings following a contractor generated agenda with the Program Manager and all trades.
- Provide general safety and signage and posting for the project and see that each subcontractor prepares and submits adequate safety program and monitoring throughout the project.
- Provide a written monthly report that includes (i) an updated schedule analysis, (ii) an updated cost report, and (iii) a monthly review of cash flow.
- Manage the change order process with the trade subcontractors to verify validity, purpose, and cost.
- Prepare payment requests, verify accuracy and forward for approval and payment.
- Assemble close-out documents required.
- Provide assistance to DMPED and DGS through any applicable warranty periods.

B.3.2 Mobilization

The Design-Builder will be required to undertake the tasks described below.

B.3.2.1 Take control of the site and install the necessary construction fences and other devices to properly secure the site.

B.3.2.2 Coordinate with separate contractors engaged by the Department to abate hazardous materials, if any, in accordance with EPA and all jurisdictional agencies. Formally, the

Department will hold these contracts; however, the Department desires that the Design-Builder supervise and coordinate the work of the abatement contractor to the greatest extent practical.

B.3.2.3 The Design-Builder shall be responsible for any necessary demolition.

B.3.2.4 The Design-Builder shall be responsible for salvaging and storing any items as identified by the Department.

B.3.2.5 The Design-Builder shall be responsible for paying all permits and fees associated with abatement, demolition, utilities abandonment, and utility relocation. The Department shall be responsible for the building permit fees, but the Design-Builder shall be responsible for all trade Design-Builder permit fees.

B.3.2.6 The Design-Builder shall be responsible for all performance and payment bonds and general liability insurance.

B.3.2.7 The Design-Builder shall be responsible for removing the balance of construction debris off site.

B.3.3 Trade Work; Subcontracts

It is contemplated that all or nearly all of the work will be performed by trade subcontractors under written subcontracts to the Design-Builder. The Design-Builder will not be permitted to self-perform work, except as noted in the form of contract.

B.3.4 Site Safety and Clean-up

B.3.4.1 The Design-Builder will be required to provide a safe and efficient site. Controlled access shall be required.

B.3.4.2 The Design-Builder shall be required to provide wheel washing stations on site so as to prevent the accumulation of dirt and other refuse on the streets surrounding the project site.

B.3.4.3 The Design-Builder shall be responsible for site security and shall be required to provide such watchman as are necessary to protect the site from unwanted intrusion. Note that the Design-Builder shall be responsible for providing a secure location for storing electronics and other valuable equipment such as computers.

B.3.4.4 The Design-Builder shall be responsible for the cost of temporary power used during the construction of the Project, including, but not limited to, the cost of installing such temporary wiring as may be required to bring power to the site. The Design-Builder shall also be responsible for the cost of all temporary construction necessary on the site.

B.3.5 Close-out & FF&E

B.3.5.1 The Design-Builder shall be responsible for purchasing and providing FF&E. A detailed list of FF&E requirements will be developed during the preconstruction phase.

B.3.5.2 The Design-Builder shall be required to prepare and submit at close-out a complete set of product manuals, warranties, etc. The Design-Builder shall also provide the Department with a complete set of its Project files, including, but not limited to, shop drawings, etc. at close out so as to assist the Department and/or DMPED in operating the building.

B.4 Key Personnel

In its proposal, each Offeror will be required to identify its key personnel. Key personnel shall include the following. With regard to the builder, (i) the Project Executive; (ii) the Field Superintendent; and (iii) the project manager who will supervise the interior design and work. The Design-Builder will not be permitted to reassign any of the key personnel unless the Department approves the proposed reassignment and the proposed replacement. Please provide a table that identifies the specific staff that will be assigned to this Project, the time periods during which the individual will work on the Project, his or her level of effort (i.e. the percentage of time devoted to this project), and whether the individual will be funded through the Design-Builder's fee or general conditions.

The Design-Builder will also be required to identify the design team in its proposal and their key personnel. With regard to the design team, such personnel shall include: (i) the principal-in-charge; (ii) the design principal; and (iii) the project architect. The Design-Builder will not be permitted to reassign any of the key personnel unless the Department approves the proposed reassignment and the proposed replacement. Please provide a table that identifies the specific staff that will be assigned to this Project, the time periods during which the individual will work on the Project, his or her level of effort (i.e. the percentage of time devoted to this project).

B.5 Licensing, Accreditation and Registration

The Design-Builder and all of its subcontractors and subconsultants (regardless of tier) shall comply with all applicable District of Columbia, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract. Without limiting the generality of the foregoing, all drawings shall be signed and sealed by a professional architect or engineer licensed in the District of Columbia.

B.6 Conformance with Laws

It shall be the responsibility of the Design-Builder to perform under the contract in conformance with the Department's Procurement Regulations and all statutes, laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies.

B.7 Davis-Bacon Act

The Davis-Bacon Act is applicable to this Project. As such, the Design-Builder and its trade subcontractors shall comply with the wage and reporting requirements imposed by that Act.

B.8 Apprenticeship Act

The Apprenticeship Act shall apply to this contract and the Design-Builder and all of its trade subcontractors shall be required to comply with that act.

B.9 Time is of the Essence

Time is of the essence with respect to the contract. The Project must be substantially complete by May 15, 2013. As such, the Design-Builder must dedicate such personnel and other resources as are necessary to ensure that the Project is completed on-time and in a diligent, skilled, and professional manner.

SECTION C ECONOMIC INCLUSION

C.1 Preference for Small, Local, and Disadvantaged Business Enterprises

General: Under the provisions of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, D.C. Law 16-33 (codified at D.C. Code § 2-218.01 et seq.), preferences shall be given to Offerors that are certified by the Department of Small and Local Business Development as being a small business enterprise, having resident business ownership, having a longtime resident business, being a local business enterprise, being a disadvantaged business enterprise, being a local business enterprise with its principal office located in an enterprise zone, being a veteran-owned business enterprise, or being a local manufacturing business enterprise. (A copy of the certification acknowledgment letter must be submitted with the Offeror's Proposal.) In accordance with these laws, the following preferences shall be awarded in evaluating an Offeror's proposal:

- Three (3) preference points shall be awarded if the Offeror is certified as having a small business enterprise.
- Five (5) preference points shall be awarded if the Offeror is certified as having a resident business ownership.
- Five (5) points shall be awarded if the Offeror is certified as having a longtime resident business.
- Two (2) preference points shall be awarded if the Offeror is certified as a local business enterprise.
- Two (2) preference points shall be awarded if the Offeror is certified as being a local business enterprise with its principal office located in an enterprise zone.
- Two (2) preference points shall be awarded if the Offeror is certified as a disadvantaged business enterprise.
- Two (2) preference points shall be awarded if the Offeror is certified as a veteran-owned business enterprise.
- Two (2) preference points shall be awarded if the Offeror is certified as a local manufacturing business enterprise.

Offerors may qualify for more than one of these categories, so that the maximum number of points available under this section is 12 points.

Information: For information regarding the application process, contact the Department of Small and Local Business Development at the following address or telephone number:

Department of Small and Local Business Development
One Judiciary Square Building
441 4th Street, NW, 9th Floor
Washington, DC 20001
(202) 727-3900 (Telephone Number)
(202) 724-3786 (Facsimile Number)

C.2 SLDBE Participation

The Department requires that significant participation by business enterprises certified by the Department of Small and Local Business Development as: (i) a local business enterprise; (ii) a small business enterprise; (iii) a disadvantaged business enterprise; (iv) having a owned resident business; (v) being a longtime business resident; or (vi) having a local business enterprise with its principal office located in an enterprise zone. Accordingly, and in addition to the preference points conferred by **Section C.1**, the Department requires that business enterprises so certified must participate in at least 50% of the development. Of this amount, 35% must be awarded to entities that are certified as either Small or Disadvantaged Business Enterprises by the District of Columbia Local Business Opportunity Commission and 20% to entities that are certified as Disadvantaged Business Enterprises. Offerors will be required to submit a Local Business Enterprise Utilization Plan with their proposals. The Utilization Plan must demonstrate how this requirement will be met and, to the extent possible at this stage in the project, should identify the specific firms that will be used and their respective roles.

C.3 Residency Hiring Requirements for Contractors and Subcontractors

At least fifty-one percent (51%) of the Offeror's Team and every subconsultant's employees hired after the Offeror enters into a contract with the Department, or after such subconsultant enters into a contract with the Offeror, to work on this project, shall be residents of the District of Columbia.

Upon execution of the contract, the Offeror and all of its member firms, if any, and each of its subcontractors and subconsultants shall submit to the Department a list of current employees that will be assigned to the project, the date that they were hired and whether or not they live in the District of Columbia.

The Offeror shall comply with subchapter III of Chapter II of Title 1, and subchapter II of Chapter II of Title 1 of the D.C. Code, and all successor acts thereto and the rules and regulations promulgated thereunder. The Offeror and all member firms, subcontractors, tier subcontractors, subconsultants, and suppliers with contracts in the amount of \$100,000 or more shall be required to comply with the following: (i) enter into a First Source Employment Agreement with the D.C. Department of Employment Services ("DOES") upon execution of the contract; (ii) submit an executed First Source Agreement to DOES prior to beginning work on the project; (iii) make best efforts to hire at least 51% District residents for all new jobs created by the project; (iv) list all employment vacancies with DOES; (v) submit monthly compliance reports to DOES by the 10th of each month; (vi) at least 51% apprentices and trainees employed must be residents of the District registered in program approved by the D.C. Apprenticeship Council; and (vii) trade contractors and subcontractors with contracts in the amount of \$500,000 or more must register an apprenticeship program with the D.C. Apprenticeship Council.

C.4 Apprenticeship Act

The D.C. Apprenticeship Act of D.C. Law 2-156, (“Act”) as amended shall apply to this project. All subcontractors selected to perform work on the project on a craft-by-craft basis shall be required to comply with this Act. All terms and conditions of the D.C. Apprenticeship Council Rules and Regulations shall be implemented. Please note that 35% of all apprenticeship hours worked must be performed by District residents. The Contractor shall be liable for any subcontractor non-compliance.

SECTION D EVALUATION AND AWARD CRITERIA

D.1 Evaluation Process

The Department shall evaluate submissions in accordance with the provisions of this **Section D** and the Department's Procurement Regulations.

D.2 Evaluation Committee

Each submission shall be evaluated in accordance with this **Section D** by an Evaluation Committee. The Evaluation Committee shall prepare a written report summarizing its findings and submit the same to the source selection official. Based on the information submitted by the Offerors in response to this RFP and the report prepared by the Evaluation Committee, the source selection official shall select the Offeror(s) whose submissions are determined by the source selection official to be the most advantageous to the Department.

The Department intends to establish an advisory panel of well-respected, prominent design professionals to assist in the evaluation of Phase 2 design submissions and presentations. The advisory panel will provide its recommendations and advice as to the design quality of the proposed submissions.

D.3 Oral Presentation

The Department intends to interview each of the short listed Offerors; however, the Department reserves the right to award the contract without interviews. If the Department conducts such interviews, each of the shortlisted Offerors shall make an oral presentation to the Department's Evaluation Committee and Advisory Panel. During this presentation, the Offeror should present its proposed preliminary design concept. In addition, the Offeror should provide a discussion of its proposed management plan and the roles that the key personnel will play in delivering this project. The purpose of the oral presentation and the question and answer session is to permit the Evaluation Committee to fully understand and assess the qualifications of each Offeror and the Offeror's key personnel.

D.3.1 Length of Oral Presentation

Each Offeror will be given one hour to make the presentation. At the end of the initial presentation, there will be a break for approximately 15 minutes for the Evaluation Committee to assess the presentation and prepare questions. The Offeror will then respond to questions from the Department's Evaluation Committee for no more than 30 minutes.

D.3.2 Schedule

The order of presentation will be selected randomly and the Offerors will be informed of their presentation date before the beginning of oral presentations. The Department reserves the right to reschedule any Offeror's presentation at the discretion of the contracting officer.

D.3.3 Offeror Attendees

The oral presentation will be made by the Offeror's personnel who will be assigned the key jobs for this project. Each Offeror will be limited to 7 persons. The job functions of the persons attending the presentation will be considered to be an indication of the Offeror's assessment of the key areas of responsibility that are deemed essential to the successful completion of the project.

D.3.4 Topics

The Offeror may present information about its capabilities and special qualifications to serve as a Design-Builder for this Project, including the qualifications of key personnel.

D.4 Phase 1 Submissions

Each phase one submission will be scored on a scale of 1 to 100 points. In addition, Offerors will be eligible to receive up to 12 preference points as described in **Section C.1** of this RFP for participation by Local, Small or Disadvantaged Business Enterprises. Thus, the maximum number of points possible is 112. The Design-Build Teams with the highest evaluated score will be short-listed for participation in Phase 2 of this procurement.

D.4.1 Builder's Experience & References (15 points)

The Department desires to engage a Design-Builder with the experience necessary to realize the objectives set forth in the RFP. The construction component of each Design-Builder (the "Builder") will be evaluated based on their demonstrated experience in: (i) construction and renovation projects in an urban setting; (ii) constructing and knowledge of pavilions or other similar municipal structures; (iii) knowledge of, and access to, the local subcontracting market; and (iv) knowledge of the local regulatory agencies and Code Officials. If the Offeror is a team or joint venture of multiple companies, the Evaluation Panel will consider the experience of each member of the team or joint venture in light of their role in the proposed team or joint venture. This element of the evaluation will be worth up to fifteen (15) points.

D.4.2 Builder's Key Personnel (15 points)

The Department desires that the Builder assign the appropriate number of personnel having the necessary seniority to implement a project of this type. The personnel should have experience working together and each such individual should have the necessary level of experience and

education for his or her proposed role. Proposals should identify, at a minimum, (i) the project executive; (ii) the field superintendent; and (iii) the project manager that will be responsible for overseeing the interior design and work. The availability and experience of the key individuals assigned to this Project will be evaluated as part of this element. Please provide a table that identifies the specific staff that will be assigned to this project. The table should include: (i) the individual's name (if known); (ii) his or her title; (iii) his or her level of effort (i.e. the percentage of time devoted to this project); and (iv) the time periods during which the individual will be assigned to the project. This table should include all personnel that will be assigned to the project. Please identify whether the personnel will be funded from general conditions or whether they are home or regional office personnel that are non-reimbursable (i.e. funded from fee). This element of the evaluation will be worth up to fifteen (15) points.

D.4.3 Architect/Engineer's Experience & References (15 points)

The Department desires to engage a Design-Builder with a design component that possesses the experience necessary to realize the objectives set forth in the RFP. The design component of each Design-Builder (the "Architect") will be evaluated based on their demonstrated experience in: (i) the design of projects in an urban setting; (ii) the design of pavilions or other similar municipal structures and knowledge thereof; (iii) cost estimating and value engineering/management; and (iv) knowledge of the local regulatory agencies and Code Officials. If the Offeror is a team or joint venture of multiple companies, the Evaluation Panel will consider the experience of each member of the team or joint venture in light of their role in the proposed team or joint venture. This element of the evaluation will be worth up to ten (10) points.

D.4.4 Architect/Engineer's Key Personnel (10 points)

The Department desires that the Architect assign to this Project personnel who have experience in designing and completing construction projects on-time and on-budget. The personnel so assigned should have the necessary experience and professional credentials for the role each such individual is assigned. At a minimum, the proposal should identify: (i) the principal-in-charge; (ii) the design principal; and (iii) the project architect. Please provide a table that identifies the specific staff that will be assigned to this project. The table should include: (i) the individual's name (if known); (ii) his or her title; (iii) his or her level of effort (i.e. the percentage of time devoted to this project); and (iv) the time periods during which the individual will be assigned to the project. This table should include all personnel that will be assigned to the project. Please identify whether the personnel will be funded from general conditions or whether they are home or regional office personnel that are non-reimbursable (i.e. funded from fee). This element of the evaluation will be worth up to fifteen (15) points.

D.4.5 Design Approach and Management Plan (20 Points)

Offerors are required to submit a discussion of their intended Design Approach and a Management Plan. The Design Approach should outline in narrative form the basic design theory

the Offeror proposes to employ in approaching the new Saint Elizabeth East Campus Gateway Pavilion and will be evaluated on the creativity demonstrated. Offerors are required to submit both a Design Management Plan and a Construction Management Plan.

The Design Management Plan should clearly explain how the Design-Builder, and in particular the Architect, intends to manage and implement the Project. Among other things, it should explain (i) how the Architect will manage the engineering subconsultants so as to ensure that the drawings are properly coordinated; (ii) how the Architect will manage the value engineering/management process; (iii) how the Architect proposes to staff and handle construction administration and interact with the Contractor; (iv) how the Architect will manage the design process; and (v) describe the key challenges inherent in this Project and explain how they will be overcome or mitigated. Further, the Design Management Plan should explain how its activities are related to the Construction Management Plan.

The Construction Management Plan should clearly explain how the Design-Builder, and in particular the Builder, intends to manage and implement the Project. It should demonstrate a knowledge of the process and impediments that must be overcome and ensure that sufficient staffing will be provided. At a minimum, the plan should: (i) identify the key personnel and their specific roles in managing the Project; (ii) identify the key milestone dates and provide a description of how these dates will be achieved; (iii) provide a skeletal schedule of the work and the phasing of construction; (iv) describe the cost control management structures that will be used to ensure the Project is delivered on-budget; and (v) describe the key challenges inherent in this Project and explain how they will be overcome or mitigated.

As part of this element of the evaluation, the Department will consider the experience that the Architect and the Builder have working together on similar projects and their successful completion of such projects. This element of the evaluation is worth up to fifteen (15) points.

D.4.6 Portfolio (15 points)

Offerors should submit a portfolio (with before and after pictures) showing at least three (3) and no more than five (5) similar projects that best demonstrate the ability of the design team to accomplish the objectives outlined above. This element of the evaluation is worth up to ten (10) points.

D.4.7 LSDBE Compliance/Utilization (5 points)

The Department desires the selected Design-Builder to provide the maximum level of participation for Local, Small and Disadvantaged Business Enterprises as well as employment opportunities for District of Columbia residents. Offerors will be evaluated in light of their demonstrated experience in meeting such goals and their proposed LSDBE Utilization Plan. This factor of the evaluation will be worth up to ten (10) points.

D.4.8 Workforce Utilization Plan (5 points)

The Department desires the selected Design-Builder to provide the maximum level of participation by District of Columbia residents in performing the work. As part of their proposals, Offerors must provide a Workforce Utilization Plan which demonstrates how it will identify qualified District residents to perform work on the project and increase participation by District residents. This element of the evaluation will be worth up to ten (10) points.

D.5 Phase 2 Submissions

Each phase two submission will be scored on a scale of 1 to 100 points. In addition, Offerors will be eligible to receive up to 12 preference points as described in **Section C.1** of this RFP for participation by Local, Small or Disadvantaged Business Enterprises. Thus, the maximum number of points possible is 112. The contract will be awarded to the Design-Build Team with the highest evaluated score.

D.5.1 Design Quality in terms of aesthetics and establishing a sense of place (30 points)

The Offeror's proposed preliminary design concept will be evaluated based on (i) how well it does in generating a sense of "place" and in capturing the aesthetics of the surrounding environment; and (ii) its aesthetic qualities. This aspect of the evaluation will be worth up to thirty (30) points.

D.5.2 Design Quality in terms of functionality and the potential uses of the site (30 points)

The Offeror's proposed preliminary design concept will be evaluated based on (i) how well it accomplishes the Department's programmatic requirements; and (ii) overall functionality of the design concept. This aspect of the evaluation will be worth up to thirty (30) points.

D.5.3 Principles of Low Impact Design (15 points)

The Offeror's proposed preliminary design concept will be evaluated based on how well the Offeror incorporated proposed low impact and other green design components. This aspect of the evaluation will be worth up to fifteen (15) points.

D.5.4 Cost (25 points)

The Offeror should submit with its Phase 2 proposal a cost proposal that sets forth (i) a Design Fee; (ii) a Preconstruction Fee; (iii) a Design-Build Fee, which should cover the cost of the Design-Builder's overhead, profit and general conditions; and (iv) a proposed Budget GMP. The Preconstruction Fee, the Design-Build Fee, and the Budget GMP will be fixed fees. Design costs shall be reimbursable subject to a cap equal to the Design Fee bid by the Offeror. This aspect of the evaluation will be worth up to twenty-five (25) points.

SECTION E PROPOSAL ORGANIZATION AND SUBMISSION

This section outlines specific information necessary for the proper organization and manner in which Offerors' Proposals should be proffered. References are made to other sections in this RFP for further explanation.

E.1 Submission Identification

Submissions shall be proffered in an original and eight (8) copies. The Offeror's submission shall be placed in a sealed envelope conspicuously marked: "Proposal for Design-Build Services for the Saint Elizabeth East Campus Gateway Pavilion"

E.2 Delivery or Mailing of Submissions

Submissions should be delivered or mailed to:

DC Department of General Services
Att'n: JW Lanum
Frank D. Reeves Center
2000 14th Street, NW, 5th Floor
Washington, DC 20009

E.3 Date and Time for Receiving Submissions

Submissions shall be received no later than 5:00 pm EDT, on June 20, 2012. The Offeror assumes the sole responsibility for timely delivery of its Submission, regardless of the method of delivery.

E.4 Submission Size, Organization and Offeror Qualifications

All submissions shall be submitted on 8-1/2" x 11" bond paper and typewritten. Telephonic, telegraphic, and facsimile submissions shall not be accepted. The Department is interested in a qualitative approach to presentation material. Brief, clear and concise material is more desirable than quantity. The submission shall be organized as follows:

E.4.1 Bid Form

During Phase 2 of the procurement, the Department will distribute a bid form. Each Offeror participating in Phase 2 shall submit with its Phase 2 submission a bid form which must be in substantially the same form as that distributed by the Office. Material deviations, in the opinion of the Department, from the bid form shall be sufficient to render the proposal non-responsive.

E.4.2 Disclosure Form

Each Offeror shall submit a Disclosure Statement substantially in the form of **Attachment A**.

E.4.3 Executive Summary

Each Offer should provide a summary of no more than three pages of the information contained in the following sections.

E.4.4 General Team Information and Firm(s) Data

Each Offeror should provide the following information for the Design-Builder and each of its subconsultants.

- A. Name(s), address(es), and role(s) of each firm (including all sub-consultants)
- B. Firm profile(s), including:
 - i. Age
 - ii. Firm history(ies)
 - iii. Firm size(s)
 - iv. Areas of specialty/concentration
 - v. Current firm workload(s) projected over the next year
 - vi. Provide a list of any contract held by the Offeror where the contract was terminated (either for default or convenience). This list should also identify any contracts that resulted in litigation or arbitration between the Owner and the Offeror. If the Offeror has multiple offices, only contracts held by the office submitting this proposal need be listed.
- C. Description of the team organization and personal qualifications of key staff, including:
 - i. Identification of the single point of contact for the Design-Builder.
 - ii. Organizational chart illustrating reporting lines and names and titles for key participants proposed by the team.
 - iii. Resumes for each key participant on the team, including definition of that person's role, relevant project experience, and current workload over the next two years.

- iv. Experience that the key team members have working together.

E.4.5 Relevant Experience and Capabilities

- A. Detailed descriptions of no more than eight (8) projects that best illustrate the team's experience and capabilities relevant to this project. On each project description, please provide all of the following information in consistent order:
 - i. Project name and location
 - ii. Name, address, contact person and telephone number for owner reference
 - iii. Brief project description including project cost, square footage, firm's scope of work, and key firm strengths exhibited
 - iv. Identification of personnel involved in the selected project who are proposed to work on this project
 - vi. Project process and schedule data including construction delivery method, and construction completion date (any unusual events or occurrences that affected the schedule should be explained)
 - vii. Construction cost data including pre-construction budget, and actual construction cost (if actual construction cost exceeds original, please explain why)

E.4.6 Design Approach and Project Management Plan

Each Offeror should submit a Design Approach and Project Management Plan that addresses the issues set forth in Section D.4.5 of this RFP.

E.4.7 Portfolio

Each Offeror should prepare a portfolio (with before and after pictures) showing at least one (1) and no more than five (5) projects that best demonstrate the ability of the design team to accomplish the objectives outlined herein.

E.4.8 Cost Information

No cost information is required during Phase 1 of this procurement.

E.4.9 Local Business Utilization Plan

Each Offeror must submit a proposed Local Business Utilization Plan that identifies the specific certified business enterprises that will participate in the contract and their anticipated roles. In addition, each Offeror should provide: (i) a narrative description of similar projects and the Offeror's success in meeting such goals; and (ii) a chart, in summary form, that identifies the Offeror's major public projects over the last five years and its success in achieving such goals (creativity should be displayed regarding joint-venture and subcontractor agreements).

E.4.10 Workforce Utilization Plan

Each Offeror must submit a Workforce Utilization Plan that describes how the Offeror will increase participation by District residents in performing the labor necessary for the Project. The plan should set forth how specifically the Offeror will implement its plan to increase participation by District residents. The Offeror shall also provide a chart, in summary form, that depicts the level of participation by District residents in past projects with the District.

E.4.11 Tax Affidavit

Each Offeror must submit a tax affidavit substantially in the form of **Attachment B**. In order to be eligible for this procurement, Offerors must be in full compliance with their tax obligations to the District of Columbia government.

SECTION F BIDDING PROCEDURES & PROTESTS

F.1 Contact Person

For information regarding this RFP please contact:

Thomas D. Bridenbaugh
Leftwich & Ludaway, LLC
1400 K Street, NW
Suite 1000
Washington, D.C. 20005
Phone: (202) 434-9100
Facsimile: (202) 783-3420

Any written questions or inquiries should be sent to Thomas Bridenbaugh at the address above.

F.2 Preproposal Conference

A preproposal conference will be held on June 6, 2012 at 9:30 a.m. The conference will be held at the Frank D. Reeves Center, 2nd Floor Community Room, 2000 14th Street, NW, Washington, DC 20009. Interested Offerors are strongly encouraged to attend.

F.3 Explanations to Prospective Offerors

Each Offeror should carefully examine this Request for Proposals and any and all amendments, addenda or other revisions, and thoroughly familiarize itself with all requirements prior to proffering a submission. Should an Offeror find discrepancies or ambiguities in, or omissions from, the RFP and amendments, addenda or revisions, or otherwise desire an explanation or interpretation of the RFP, any amendments, addenda, or revisions, it must submit a request for interpretation or correction in writing. Any information given to an Offeror concerning the solicitation shall be furnished promptly to all other Offerors as an amendment or addendum to this RFP if in the sole discretion of the Department that information is necessary in proffering submissions or if the lack of it would be prejudicial to any other prospective Offerors. Oral explanations or instructions given before the award of the contract shall not be binding.

Requests should be directed to Thomas Bridenbaugh at the address listed in Section F.1 no later than the close of business on June 12, 2012. The person making the request shall be responsible for prompt delivery.

F.4 Protests

Protests shall be governed by Section 4734 of the Department's Procurement Regulations (27 DCMR § 4734). Protests alleging defects in this solicitation must be filed prior to the time set for receipt of submissions. If an alleged defect does not exist in this initial RFP, but was

incorporated into the RFP by an amendment or addendum, a protest based on that defect must be filed before the next closing time established for proffering submissions. In all other cases, a protester shall file the protest within ten (10) days after the protester knows or should have known, whichever is earlier, of the facts and circumstances upon which the protest is based. All protests must be made in writing to the Department's Chief Contracting Officer ("CCO") and must be filed in duplicate. Protests shall be served on the Department by obtaining written and dated acknowledgment of receipt from the Department's CCO. Protests received by the Department after the indicated period shall not be considered. To expedite handling of protests, the envelope shall be labeled "Protest".

This section is intended to summarize the bid protest procedures and is for the convenience of the Offerors only. To the extent any provision of this section is inconsistent with the Procurement Regulations, the more stringent provisions shall prevail.

F.5 Contract Award

This procurement is being conducted in accordance with the provisions of Section 4712 of the Department's Procurement Regulations (27 DCMR § 4712).

F.6 Retention of Submissions

All submissions shall be retained by the Department and therefore shall not be returned to the Offerors. With the exception of proprietary financial information, the submissions shall become the property of the Department and the Department shall have the right to distribute or use such information as it determines.

F.7 Examination of Submissions

Offerors are expected to examine the requirements of all instructions (including all amendments, addenda, attachments and exhibits) in this RFP. Failure to do so shall be at the sole risk of the Offeror and may result in disqualification.

F.8 Late Submissions: Modifications

- A. Any submission or best and final offer received at the office designated in this RFP after the exact time specified for receipt shall not be considered.
- B. Any modification of a submission, including a modification resulting from the CCO's requests for best and final offers, is subject to the same conditions as in F.8.A stated above.
- C. The only acceptable evidence to establish the time of receipt at the Department's office is the time-date stamp of such installation on the submission wrapper or other documentary evidence of receipt maintained by the installation.

- D. Notwithstanding any other provisions of this Request for Proposals to the contrary, a late modification of an otherwise successful submission which makes its terms more favorable to the Department may be considered at any time it is received and may be accepted.
- E. Submissions shall be irrevocable and remain in full force and effect for a period not less than 120 days after receipt of submissions.

F.9 No Compensation for Preparation of Submissions

The Department shall not bear or assume any financial obligations or liabilities regarding the preparation of any submissions submitted in response to this RFP, or prepared in connection therewith, including, but without limitation, any submissions, statements, reports, data, information, materials or other documents or items.

F.10 Rejection of Submissions

The Department reserves the right, in its sole discretion:

- A. To cancel this solicitation or reject all submissions.
- B. To reject submissions that fail to prove the Offeror's responsibility.
- C. To reject submissions that contain conditions and/or contingencies that in the Department's sole judgment, make the submission indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award.
- D. To waive minor irregularities in any submission provided such waiver does not result in an unfair advantage to any Offeror.
- E. To take any other action within the applicable Procurement Regulations or law.
- F. To reject the submission of any Offeror that has submitted a false or misleading statement, affidavit or certification in connection with such submission or this Request for Proposals.

F.11 Limitation of Authority

Only a person with prior written authority from the CCO shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clauses or conditions of the contract. Furthermore, any alteration, amendment, modification, or waiver of any clause or condition of this RFP is not effective or binding unless made in writing and signed by the CCO or its authorized representative.

F.12 Non-Responsive Pricing

In general, the Department will consider a Phase 2 proposal non-responsive if Offeror's price is greater than 150% of the median price submitted by other Offerors. The Department reserves the right to deem a proposal non-responsive if Offeror's price is greater than 150% of the independent government estimate.

SECTION G INSURANCE REQUIREMENTS

G.1 Required Insurance

The contractor will be required to maintain the following types of insurance throughout the life of the contract.

G.1.1 Commercial general public liability insurance (“Liability Insurance”) against liability for bodily injury and death and property damage, such Liability Insurance to be in an amount not less than Five Million Dollars (\$5,000,000) for liability for bodily injury, death and property damage arising from any one occurrence and Five Million Dollars (\$5,000,000) from the aggregate of all occurrences within each policy year. The policy should include completed operations coverage. The Design-Builder will be required to maintain this coverage in force for a period of at least two years after substantial completion.

G.1.2 Workers’ compensation and Employers Liability coverage providing statutory benefits for all persons employed by the contractor, or its contractors and subcontractors at or in connection with the Work.

G.1.3 Automobile Liability, including Hired and Non-Owned Auto Liability in the amount of at least One Million Dollars (\$1,000,000) for each occurrence for bodily injury and property damage.

G.1.4 Excess umbrella liability coverage (on at least a follow form basis) and when combined with the general liability policy has an aggregate limit of at least Ten Million Dollars (\$10,000,000).

G.1.5 With respect to the design team, errors and omissions coverage written on a claims made basis and having an aggregate policy limit of at least Five Million Dollars (\$5,000,000).

G.2 Additional Insureds

Each insurance policy shall be issued in the name of the contractor and shall name as additional insured parties the Department and the District of Columbia, and shall not be cancelable or reduced without thirty (30) days prior written notice to the Department.

G.3 Waiver of Subrogation

All such insurance shall contain a waiver of subrogation against the Department and the District of Columbia, and their respective agents.

G.4 Strength of Insurer

All insurance shall be placed with insurers that are reasonably acceptable to the Department and with an A.M. Best's rating of not less than A- (Excellent) and a surplus size of not less than XV. All such insurers shall be licensed/approved to do business in the District of Columbia.

SECTION J BONDS

J.1 Bid Bond

Offerors are required to submit with their proposal a bid bond in the amount of \$50,000. All bonding companies must be included on the Department of Treasury's Listing of Approved Sureties. Alternatively, Offerors may submit a cashier's check or irrevocable letter of credit in lieu of a bid bond. However, in the event an Offeror who is awarded a contract fails to post a payment and performance bond for the full value of the contract, the Offeror shall thereby forfeit the full amount of the cashier's check or letter of credit, and the Department shall collect such funds as liquidated damages. If the Offeror chooses to submit a cashier's check or letter of credit in lieu of a bid bond, the Offeror must complete the form included as **Attachment C** and return, notarized, with the Offeror's bid. Letters of credit must be: (i) unconditional and standby; (ii) irrevocable; (iii) issued by an FDIC insured institution that is reasonably acceptable to DGS; and (iv) able to be drawn on in the Washington, DC metropolitan area. The letter of credit shall provide that it may be drawn upon if the holder of the letter of credit submits a signed statement by DGS's contracting officer stating that the Offeror has failed to enter into a contract consistent with the terms of this procurement and the Offeror's bid submitted thereunder.

J.2 Trade Subcontractor Bonds

The Form of Contract will require that all trade subcontractors provide a payment and performance bond having a penal value equal to 100% of the cost of the trade subcontract. All such bonds shall be written on a dual-obligee basis.

J.3 Contractor's Payment and Performance Bond

In addition to the trade subcontractor bonds required by Section J.2, the Design-Builder will be required to post a payment and performance bond having a penal value equal to the GMP at the time the Contract is executed.

Attachment A

The Offeror and each of its principal team members, if any, must submit a statement that discloses any past or present business, familiar or personal relationship with any of the following individuals:

A. D.C. Department of General Services

Brian J. Hanlon	Acting Director
Scott Burrell	Interim Chief Operating Officer
JW Lanum	Interim Associate Director, Contracts and Procurement Division
Camille Sabbakhan	Interim General Counsel
Charles J. Brown, Jr.	Interim Deputy General Counsel

Please identify any past or present business, familiar, or personal relationship in the space below. Use extra sheets if necessary.

B. Leftwich & Ludaway

Thomas D. Bridenbaugh

Please identify any past or present business, familiar, or personal relationship in the space below. Use extra sheets if necessary.

C. Brailsford & Dunlavey
McKissack & McKissack

Please identify any past or present business, familiar, or personal relationship in the space below. Use extra sheets if necessary.

This is to certify that, to the best of my knowledge and belief and after making reasonable inquiry, the above represents a full and accurate disclosure of any past or present business, familiar, or personal relationship with any of the individuals listed above. The undersigned acknowledges and understands that this Disclosure Statement is being submitted to the False Claims Act and that failure to disclose a material relationship(s) may constitute sufficient grounds to disqualify the Offeror.

OFFEROR:

By: _____
Name: _____
Title: _____
Date: _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of the Chief Financial Officer

Office of Tax and Revenue



TAX CERTIFICATION AFFIDAVIT

THIS AFFIDAVIT IS TO BE COMPLETED ONLY BY THOSE WHO ARE REGISTERED TO CONDUCT BUSINESS IN THE DISTRICT OF COLUMBIA.

Date

Authorized Agent

Name of Organization/Entity

Business Address (include zip code)

Business Phone Number

Authorized Agent

Principal Officer Name and Title

Square and Lot Information

Federal Identification Number

Contract Number

Unemployment Insurance Account No.

I hereby authorize the District of Columbia, Office of the Chief Financial Officer, Office of Tax and Revenue to release my tax information to an authorized representative of the District of Columbia agency with which I am seeking to enter into a contractual relationship. I understand that the information released will be limited to whether or not I am in compliance with the District of Columbia tax laws and regulations solely for the purpose of determining my eligibility to enter into a contractual relationship with a District of Columbia agency. I further authorize that this consent be valid for one year from the date of this authorization.

I hereby certify that I am in compliance with the applicable tax filing and payment requirements of the District of Columbia. The Office of Tax and Revenue is hereby authorized to verify the above information with the appropriate government authorities.

Signature of Authorizing Agent

Title

The penalty for making false statement is a fine not to exceed \$5,000.00, imprisonment for not more than 180 days, or both, as prescribed by D.C. Official Code §47-4106.

Attachment C

Certification Letter for Cashier's Check or Irrevocable Letter of Credit

Offerors who submit a cashier's check or an irrevocable letter of credit ("Alternate Bid Security") in lieu of a bid bond must also submit this certification, properly notarized, with their proposal. By executing this document, Offeror acknowledges that, if awarded this contract, Offeror shall be required to post promptly a payment and performance bond equal to the full value of the contract. In the event Offeror fails to post such payment and performance bond, the Offeror understands and agrees that: (i) the Department shall draw upon the Alternate Bid Security as liquidated damages; (ii) the award and/or contract shall be terminated; (iii) for a period of two (2) years thereafter, the Department will not accept from such Offeror Alternate Bid Security in lieu of a bid bond; and (iv) the Offeror hereby waives the right to protest the termination of any such award or contract. The Offeror further acknowledges and agrees that the damages the Department would experience in the event such award or contract are terminated due to the Offeror's failure to post a payment and performance bond are difficult to determine and that the value of the Alternate Bid Security represents a reasonable estimate of the damages the Department would incur.

By: _____
Name: _____
Title: _____
Date: _____

District of Columbia) ss:

On the ____ day of _____, 2012, before me, a notary public in and for the District of Columbia, personally appeared _____, who acknowledged himself/herself to be _____ of _____, and that he/she as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public
My Commission Expires: _____